

## STATE LANDS COMMISSION

STATE OF CALIFORNIA

SACRAMENTO

Nº 1462

AE- 95457

*The undersigned, acting in this behalf for the State Lands Commission, does hereby certify, that the annexed document is a true and correct copy of item 32 of the minutes of the meeting of the State Lands Commission held in Los Angeles on October 5, 1950,*

*on file in the office of the State Lands Commission; that said document has been compared by the undersigned with the original, and is a correct transcript therefrom.*

*IN WITNESS WHEREOF, the undersigned has executed this certificate and affixed the seal of the State Lands Commission, this*

31st day of October A. D. 19 50.

*Ralph M. Antman*

(TITLE) EXECUTIVE OFFICER

STATE LANDS COMMISSION

32. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE UNITED STATES ARMY AT OAKLAND ARMY BASE, ALAMEDA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 490) The Commission was informed as follows: On July 26, 1949, the Commission authorized the Executive Officer to order and conduct the requisite hearings pursuant to Section 126 of the Government Code and under the rules and regulations adopted by the Commission on June 14, 1949, on applications for consent to acquisition by the United States of lands comprising a number of installations among which was the United States Army Base at Oakland, California. Under date of April 21, 1949, an application for acceptance of jurisdiction by the United States executed by Kenneth C. Royall, Secretary of the Army, was addressed to Governor Earl Warren and forwarded to this office. This application was deficient in several aspects and was subsequently replaced by a corrected application filed by Mr. Frank Pace, Jr., Secretary of the Army, under date of July 5, 1950.

Pursuant to said application arrangements were made to conduct the public hearing at Oakland, California, in connection with one scheduled for the same day and place and relating to the United States Army Personnel Center at Camp Stoneman. The Notice of such Public Hearing was published in the Oakland Tribune, Oakland, California, on August 11, 1950, and service on the Clerk of the Board of Supervisors of Alameda County was made on August 10, 1950. Notices were thus published and served in compliance with Section 2702 California Administrative Code, Title 2.

A hearing was held by the Executive Officer at the Oakland Army Base, Oakland California, at 10:00 A.M., August 30, 1950. A record of the hearing was made and the transcript was made a part of the Commission record in this case. The Attorney General was represented by Mr. Walter S. Rountree, Deputy Attorney General.

Appearances were made on behalf of the Army by the Commanding Officer of the Oakland Army Base, Colonel Robert L. Allen, also by Mr. Robert Prendergast, George Lavezzola and Mr. J. Otis Brown, representing the Real Estate Section of the Southern Pacific Division of the Corps of Engineers, U. S. Army. No other appearances were made in support of this application and none were made against it.

Section 126 of the Government Code requires that the State Lands Commission must have found and declared to have occurred and to exist the fulfillment of certain



specified conditions. Oral and documentary evidence were presented at the hearing in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to their presentation are as follows:

As applied to this case the acquisition "must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purposes within the purview of Clause 17, Section 8 of Article 1 of the Constitution of the United States". According to evidence received, the Oakland Army Base, a component part of the San Francisco Port of Embarkation, maintains cargo terminal facilities for port operations, including piers, pier sheds, warehouses, administrative offices, billets, roads, grounds, and railroad trackage. It is a permanent part of the national defense system. Therefore, it is believed that the lands for this installation were acquired for purposes within the above-quoted portion of the Constitution of the United States and are presently maintained for such purposes.

The second condition requires that a finding must be made that "the acquisition must be pursuant to and in compliance with the laws of the United States". Evidence in support of this condition was presented in the form of reference to certain United States statutes. The lands were acquired under an authority of an Act of Congress approved July 2, 1917, 50 U. S. Code, 171, 40 Stat. 241, and an Act of Congress approved March 27, 1942, 50 U. S. Code, Appendix 632, 56 Stat. 176, commonly known as the First and Second World War Powers Act. Condemnation proceedings were pursuant to an Act of Congress approved August 18, 1890, 26 Stat. 316.

Immediate possession was had pursuant to an Act of Congress approved February 26, 1931, 40 U. S. Code, Section 258-A, 46 Stat. 1421.

Evidence was presented by Mr. Robert M. Prendergast, a Land Acquisition Attorney for the Corps of Engineers, Department of the Army, to the effect that with the exception of a parcel of submerged land of approximately 122 acres, identified as Tract 14, Parcel 3, all of the lands described in the application of the Secretary of the Army have been acquired pursuant to and in compliance with the laws of the United States and that the latter is now possessed of good and sufficient fee title to them. As to the excepted lands, Tract 14, Parcel 3, possession is had by the United States pursuant to a contract for the acquisition of title and to an agreement under condemnation proceeding Civil No. 21758-L; however, title in fee has not passed to the United States.

The third condition upon which a finding is required is to the effect that "the United States must in writing have assented to acceptance of jurisdiction over the lands upon and subject to each and all of the conditions and reservations in this section prescribed". Under the provisions of an Act of Congress of October 9, 1940, Public Law 825 "the head or other authorized officer of any department of the Government" may accept jurisdiction from the State. A letter from the Department of the Army dated July 5, 1950, accepting jurisdiction on behalf of the United States and signed by Mr. Frank Pace, Jr., Secretary of the Army, was received by the Division of State Lands on July 26, 1950. This acceptance is made subject to each and all of the conditions and reservations prescribed in Section 126, Government Code, State of California and is, therefore, in accordance with law and with the rules of the Commission.

RECORDED AT REQUEST OF STATE OF CALIFORNIA

At 57 Min. Past 9 A. M. OCT 23 1950

OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIF.

Thomas W. Fifeimmas, County Recorder

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The fourth requirement is that the Commission must have found and declared that such acquisition is in the interest of the State. Testimony was received that the Oakland Army Base provides employment for approximately five thousand persons, military and civilians, some of whom reside on the base and others live in Oakland and other adjacent cities. Its maintenance and operation require the use of a large amount of material and equipment, much of which is purchased locally or elsewhere in the State. It thus is of distinct economic benefit. The Base is an important military installation, supplying the Pacific frontiers of this nation with essentials for its protection. As a Pacific Coast state, California is more directly exposed to attacks from the west than is the interior of this country. It is, therefore, believed that this acquisition is in the interest of the State.

It is concluded that all four conditions requisite to a declaration of the State Lands Commission have thus been met, with the exception of the parcel of sub-merged lands previously referred to. These lands have been eliminated from the proposed declaration by appropriate amendments to the description of the area of lands appearing in the following resolution:

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE STATE LANDS COMMISSION DETERMINES WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED AND NOW USED BY THE DEPARTMENT OF THE ARMY OF THE UNITED STATES FOR THE OAKLAND ARMY BASE IN ALAMEDA COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

PARCEL 1:

A portion of the Outer Harbor and the North Industrial Area of the City of Oakland, containing 472.25 acres, more or less, and more particularly described as follows:

BEGINNING at the point of intersection of the "Agreed Low Tide Line of 1852" as said Line is agreed upon and located by Ordinance 3099 of the City of Oakland, adopted 7 July 1910, certified copy of which Ordinance is recorded in Book 1837 of Deeds, at Page 91, Records of Alameda County, with the north line of Seventh Street; said point of beginning being North 39° 50' 03" East 95.35 feet (Record bearing for "Agreed Low Tide Line" being 39° 51' 40") along said "Agreed Low Tide Line of 1852" from a concrete monument with a pipe and copper plug at the intersection of said "Agreed Low Tide Line of 1852," and the southerly boundary of Seventh Street; thence from said point of beginning along the northerly line of Seventh Street North 83° 06' 00" West 123.95 feet to a point on a line parallel with and 104 feet Westerly, measured at right angles from the aforesaid "Agreed Low Tide Line of 1852", said point also being the westerly line of that certain Street designated as Maritime Street; thence North 39° 50' 03" East 3596.81 feet along said parallel line and said westerly line of Maritime Street to a point, said point being described as North 30° 10' 30" East 618.89 feet from a brass plug located on the "Agreed Low Tide Line of 1852," distant thereon 36.03 feet from the intersection of the "Agreed Low Tide Line" and the south line of 14th Street; continuing thence along said parallel line and westerly line of Maritime Street North 39° 50' 03" East 831.56 feet; thence leaving said parallel line and westerly line of Maritime Street North 83° 07' 37" West 519.37 feet; thence North 06° 52' 23" East 936.49 feet; thence South 85° 37' 43" West 500.27 feet; thence South 58° 22' 53" West 589.58 feet; thence North 76° 37' 37" West 983.21 feet; thence South 48° 24' 51" West 978.73 feet; thence North 41° 34' 18" West 539.98 feet to Pierhead Point No. 44, as said pierhead point is shown on Sheet No. 5 of that certain map in 8 sheets entitled "Harbor Lines, San Francisco Bay, California, Oakland-Alameda" prepared by U.S. Engineer Office, San Francisco,



California, dated 19 September 1940 and approved 31 March 1941, by the Secretary of War; thence from said Pierhead Point No. 44 and running along said pierhead line as shown on the above-mentioned maps South  $29^{\circ} 57' 49''$  West 1610.00 feet to Pierhead Point No. 43; thence continuing along that pierhead line South  $81^{\circ} 0' 42''$  West 1869.87 feet to the most westerly point of that certain parcel of land described as parcel 1 in that deed between the City of Oakland, a municipal corporation of the State of California, acting by and through its Board of Port Commissioners and the United States of America dated 23 July 1943 and recorded 23 July 1943 in Volume 4404 of Official Records at page 17, thence leaving said pierhead line and running along the westerly line of the above described parcel 1, north  $39^{\circ} 35' 58''$  east 2031.77 feet and north  $9^{\circ} 33'$  west 674.05 feet to a point on the south line of the San Francisco-Oakland Bay Bridge Approach Road; thence running along the said southerly line of the San Francisco-Oakland Bay Bridge Approach north  $80^{\circ} 26' 49''$  east 340.05 feet; thence North  $86^{\circ} 57' 16''$  East 373.46 feet; thence North  $80^{\circ} 25' 12''$  East 3746.90 feet; thence leaving said line, North  $63^{\circ} 04' 21''$  East 397.80 feet; thence North  $70^{\circ} 35' 26''$  East 439.77 feet to a point on the northern line of the City of Oakland as of 1862 and commonly known as the Charter Line of the City of Oakland; said point being North  $63^{\circ} 45' 59''$  West 1278.652 feet from the intersection of the northern line of 34th Street as said street is located and described in Ordinance No. 2747 N.S. of the City of Oakland adopted 19 October 1923; said point also being on the southerly line of that parcel of land designated as Parcel 3 in an agreement between the Railway Equipment and Realty Company, Ltd., et al., and the Atchison, Topeka and Santa Fe Railway Company, dated 24 September 1942; thence along said line North  $71^{\circ} 08' 51''$  East 743.58 feet; thence North  $75^{\circ} 37'$  East 630.05 feet to a point, said point being South  $75^{\circ} 37'$  West 2,156.71 feet from the most easterly corner of the Parcel of land designated as Parcel 3 in an Agreement between Railway Equipment and Realty Company, Ltd., et al., and the Atchison, Topeka and Santa Fe Railway Company dated 24 September 1942; thence leaving said southerly line of Parcel 3, South  $14^{\circ} 23'$  East 303.74 feet; thence North  $75^{\circ} 37'$  East 435.00 feet; thence South  $14^{\circ} 23'$  East 235.00 feet; thence North  $75^{\circ} 31' 09''$  East 1,523.81 feet; thence North  $55^{\circ} 34' 22''$  East 216.58 feet; thence North  $36^{\circ} 09' 18''$  East 80.11 feet; thence on a curve to the left tangent from a course that bears South  $8^{\circ} 18' 15.5''$  West with a radius of 10,617.97 feet through a central angle of  $1^{\circ} 27' 21''$  an arc distance of 269.79 feet to a point on the southwesterly line of the parcel of land designated as Parcel 2 in the Deed from Wells Fargo Bank & Union Trust Company, et al., to the State of California, dated 11 June 1935, and recorded 17 August 1935 in Book 3194 of Official Records, Page 342, records of Alameda County; thence South  $59^{\circ} 19'$  East 81.94 feet to the point of intersection with the westerly line of the Southern Pacific Company's 100-foot right-of-way for tracks; thence leaving said southwesterly line of the aforementioned Parcel 2 and along westerly line of said Southern Pacific Company's right-of-way on the arc of a curve to the right, with a radius of 10,692.97 feet an arc distance of 238.58 feet; continuing thence along the arc of a curve to the right with a radius of 7,598.45 feet an arc distance of 539.23 feet; continuing thence along an arc of a curve to the right with a radius of 7,111.99 feet an arc distance of 111.301 feet to the point of intersection of the westerly line of the Southern Pacific Company's 100-foot right-of-way and the southerly line of 34th Street as said Street is so described in the Records of the City of Oakland; thence South  $75^{\circ} 37'$  West 84.80 feet along the southerly line of 34th Street to a point; said point being South  $75^{\circ} 37'$  West 479.78 feet from the southwest corner of 34th Street and Wood Street; thence leaving said southerly line of 34th Street, South  $23^{\circ} 31' 55''$  West 518.61 feet to a point, from which point the center of an arc having a radius of 434.68 feet bears North  $07^{\circ} 41' 37.5''$  West; thence along said arc on a curve to the right with a radius of 434.68 feet an arc distance of 46.26 feet to the beginning of a curve to the right with a radius of 697.26 feet whose center bears



North  $01^{\circ} 35' 47.5''$  West; thence along said curve to the right with a radius of 697.26 feet an arc distance of 242.48 feet to a point; thence North  $71^{\circ} 40' 17''$  West 584.65 feet to a point on the southerly line of the aforementioned 34th Street; thence along the southerly line of said 34th Street South  $78^{\circ} 47' 17''$  East 585.40 feet; thence South  $73^{\circ} 43' 35.5''$  East 182.13 feet; thence South  $78^{\circ} 10' 57''$  East 90.655; thence South  $74^{\circ} 52' 42''$  West 136.19 feet to a point on the northwesterly property line of the Southern Pacific Company; thence along said property line South  $16^{\circ} 15' 42''$  West 105.51 feet to a point, said point being the southwesterly terminus of a course bearing South  $16^{\circ} 15' 42''$  West and having a length of 122.64 feet, as described in an indenture dated 20 January 1940 from Southern Pacific Railroad Company to the State of California recorded in Book 4015 of Official Records, at page 159, records of Alameda County; thence from said point northwesterly on the arc of a curve tangent to a line which bears North  $62^{\circ} 11' 29''$  East, concave northeasterly, having a radius of 682.888 feet, through a central angle of  $9^{\circ} 28' 48''$  an arc distance of 112.98 feet to a point, said point being the most northeasterly corner of that parcel of land described as Parcel 2 in the deed from the Southern Pacific Company to the United States of America, dated 7 July 1941 and recorded 6 October 1941, Book 4121 of Official Records, at Page 191, Records of Alameda County; thence along the easterly line of the above-mentioned Parcel 2, South  $29^{\circ} 48' 45''$  West 1,044.18 feet to the northerly line of 22nd Street as said street is delineated and so designated upon the Official Maps of the City of Oakland; thence westerly along the northerly line of 22nd Street, North  $57^{\circ} 39' 19''$  West 1718.58 feet to a point on the "Agreed Low Tide Line of 1852"; thence along said "Agreed Low Tide Line of 1852" South  $39^{\circ} 50' 03''$  West 80.47 feet to a point on the southerly line of said 22nd Street; thence along the southerly line of 22nd Street South  $57^{\circ} 39' 19''$  East 1713.37 feet to the most northeasterly corner of Parcel 1, described in the deed from the Southern Pacific Company to the United States of America, above referred to; thence along the easterly line of said Parcel 1, as referred to, South  $43^{\circ} 30'$  West 2544.13 feet to a point on the northerly line of 14th Street, as said street now exists and as said street is designated upon the Official Maps of the City of Oakland; thence along the northerly line of said 14th Street North  $83^{\circ} 05' 20''$  West 1832.41 feet to its intersection with the "Agreed Low Tide Line of 1852"; thence along the "Agreed Low Tide Line of 1852" South  $39^{\circ} 50' 03''$  West 95.78 feet to a point on the southerly line of 14th Street; thence along the southerly line of 14th Street South  $83^{\circ} 05' 20''$  East 1824.89 feet to a point on the most northeasterly corner of that parcel of land described in the deed from the Southern Pacific Company to the United States of America dated 2 March 1942 and recorded 2 March 1942 in Book 4189 of Official Records, at Page 197, Records of Alameda County; thence along the easterly line of said parcel of land South  $43^{\circ} 30'$  West 302.51 feet; thence South  $49^{\circ} 14'$  West 2859.64 feet to a point in the northerly line of Parcel A, described in the deed between the Southern Pacific Company and the City of Oakland, dated 23 December 1930 and recorded 29 December 1930 in Book 2505 of Official Records, at page 251, Records of Alameda County; thence North  $52^{\circ} 35' 08''$  West 1047.74 feet to a point on the "Agreed Low Tide Line of 1852"; thence along the "Agreed Low Tide Line of 1852" South  $39^{\circ} 50' 03''$  West 804.64 feet to the point of beginning.

#### PARCEL 2:

That parcel of land lying within the City of Oakland containing 2.499 acres, more or less, and more particularly described as follows:

That portion of the "Hougham Tract" as said tract is shown on the "Map of



the Hougham Tract," filed 10 June 1875 in Book 4 of Maps at Page 8, in the Office of the County Recorder of Alameda County, described as Beginning at a point on the northeastern line of 22nd Street, 80 feet in width, distant thereon North  $57^{\circ} 41' 26''$  West 157.33 feet from the northwestern line of Wood Street, as said last street is shown on said map, said point of beginning being the intersection of said line of 22nd Street with the southeastern line of the land described as Parcel No. 2 in the deed from the California, Arizona and Santa Fe Railway Company to the State of California, dated 23 February 1940, recorded 18 December 1940 in Book 4015 of Official Records, at page 155, Records of Alameda County; thence from said point of beginning North  $21^{\circ} 14' 19''$  East 199.292 feet; thence North  $57^{\circ} 41' 26''$  West 0.72 feet; thence North  $17^{\circ} 43' 57''$  East 58.50 feet; thence North  $24^{\circ} 14' 42''$  East 292.36 feet to a point on the southwesterly line of 24th Street, distant thereon North  $57^{\circ} 41' 26''$  West 251.32 feet from the said northwesterly line of Wood Street; continuing thence North  $24^{\circ} 14' 42''$  East 33.89 feet; thence tangent to the last course on the arc of a curve concave northwesterly having a radius of 4600.69 feet, through an angle of  $1^{\circ} 52' 06''$  a distance of 150.02 feet to a point of reverse curvature; thence from a tangent that bears North  $22^{\circ} 22' 36''$  East, northeasterly on the arc of a curve concave southeasterly, having a radius of 655.75 feet, through an angle of  $11^{\circ} 26' 46''$  a distance of 131.00 feet; thence North  $24^{\circ} 01' 56''$  East 15.00 feet; thence North  $6^{\circ} 59' 30''$  West 45.22 feet; thence from a tangent that bears North  $20^{\circ} 04' 32''$  East, northeasterly on the arc of a curve concave northwesterly having a radius of 4595.69 feet, through a central angle of  $0^{\circ} 17' 23''$  a distance of 23.24 feet to a point of compound curvature; thence from a tangent that bears North  $19^{\circ} 47' 09''$  East northeasterly on the arc of a curve concave northwesterly having a radius of 3984.56 feet, through an angle of  $0^{\circ} 58' 57''$  a distance of 68.32 feet; thence from a tangent that bears South  $17^{\circ} 12' 43''$  East, southeasterly on the arc of a curve concave southwesterly having a radius of 509.68 feet, through an angle of  $23^{\circ} 24' 10''$  a distance of 208.18 feet; thence from a tangent that bears South  $6^{\circ} 11' 27''$  west southwesterly on the arc of a curve concave northwesterly, having a radius of 685.10 feet, through an angle of  $27^{\circ} 33' 14''$  a distance of 329.47 feet; thence South  $33^{\circ} 44' 42''$  West 510.985 feet to the point of beginning.

PARCEL 3:

That parcel of land situate in the City of Oakland containing 3.39 acres, as described in the deed from The Anglo California National Bank of San Francisco to the United States of America, dated 5 May 1941, recorded 6 May 1941 in Volume 4076 of Official Records, at page 31, Records of Alameda County, and being more particularly described as follows:

Beginning at a point on the northeasterly line of 10th Street distant thereon North  $57^{\circ} 56'$  West 190 feet from the northwesterly line of Pine Street, as said street is shown on that certain map entitled "Map of the City of Oakland Showing Plan of Streets, as Adopted by the City Council 16 November 1868, and approved," filed 22 June 1908 in Book 24 of Maps, at Page 15, in the Office of the County Recorder of Alameda County; thence along said northeasterly line of 10th Street, North  $57^{\circ} 56'$  West 170 feet, more or less, (surveyed as 160.82 feet) to the southeastern line of the right-of-way of the Southern Pacific Railroad Company; thence northeasterly along the northeasterly line of said railroad right-of-way 1043.11 feet, more or less, to the projection of the center line of 13th Street as said street now exists; thence South  $57^{\circ} 56'$  East 140 feet, more or less, (surveyed as 141.30 feet) to the projection of the northwesterly line of Pine Street; thence South  $32^{\circ} 04'$  West along said last line 29.25 feet to a point on the south-easterly line of 13th Street projected northwesterly; thence along said south-easterly line of 13th Street, South  $57^{\circ} 56'$  East 60 feet to the southeastern line



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of Pine Street; thence southwesterly along the southeasterly line of said Pine Street, South  $32^{\circ} 04'$  West 260 feet (surveyed as 260.75 feet) to the northeasterly line of 12th Street; thence along the northwesterly prolongation of the northeasterly line of said 12th Street, North  $57^{\circ} 56'$  West 60 feet to a point on the northwesterly line of the above-mentioned Pine Street; thence southwesterly along the northwesterly line of said Pine Street, South  $32^{\circ} 04'$  West 340 feet, more or less, to the northeasterly line of 11th Street; thence along said line of 11th Street, and the projection thereof North  $57^{\circ} 56'$  West 250 feet, more or less, to the Peralta Grant Line, as said line is described in the deed from Pacific Improvement Company and The Oakland Water Front Company to Pacific Coast Canning Company, dated 13 February 1912 and recorded 23 February 1912 in Volume 2020 of Deeds, at Page 254, Records of Alameda County; thence along said Peralta Grant Line South  $55^{\circ} 00'$  West 64.06 feet to the southwestern line of 11th Street; thence along said southwestern line of 11th Street South  $57^{\circ} 56'$  East 83.00 feet, more or less, to a point 190 feet from the northwesterly line of Pine Street; thence South  $32^{\circ} 04'$  West 270.00 feet, more or less, to the point of beginning.

THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b) AND (c) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA HAVE BEEN FOUND TO HAVE OCCURRED AND TO EXIST AND THAT SUCH ACQUISITION IS IN THE INTEREST OF THE STATE; THE STATE LANDS COMMISSION DIRECTS THE EXECUTIVE OFFICER TO FILE CERTIFIED COPIES OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE THEM RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.